



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/808,824	03/24/2004	Annette M. Wagner	SUNMP325	7601

32291            7590            10/03/2007  
MARTINE PENILLA & GENCARELLA, LLP  
710 LAKEWAY DRIVE  
SUITE 200  
SUNNYVALE, CA 94085

[REDACTED] EXAMINER

NGUYEN, SIMON

[REDACTED] ART UNIT      [REDACTED] PAPER NUMBER

2618

[REDACTED] MAIL DATE      [REDACTED] DELIVERY MODE

10/03/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/808,824	WAGNER ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	SIMON D. NGUYEN	2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 02 July 2007.

2a) This action is FINAL.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1,3-14 and 16-20 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1, 3-14, 16-20 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_

5) Notice of Informal Patent Application

6) Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3-14, 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chiam et al. (2005/0009571) in view of Robarts et al. (6,842,877)

Regarding claim 1, Chiam discloses a method for providing context-based information on a mobile device display (figs.1-3), comprising: predicting a set of services from a plurality of services by a user profile data including usage pattern data to construct the set of services (figs.1-3, paragraph 39); displaying a service icon (218, 280) representing a service of the set of services in a primary position (the selected main menu icon labeled 280 is shown by a cursor 218 in the shape of a box) (fig.3a); displaying service icons representing remaining service in the set of services in secondary positions(other icons such as 220, 230, 240, 260, 270, 250, 290, 300) (fig.3a); displaying icons representing remaining services outside the set of services in a tertiary position (icons 170, 175, 180, 185, 190 or 170', 175', 180', 185', 190' are outside in a tertiary position) (figs.1B, 2A). However, Chiam does not specifically discloses the

usage pattern data includes a name a time and a frequency associated with a user profile information.

Robarts discloses a method for predicting appropriate content for presentation or retrieval by detecting pattern data of a user profile information in a mobile phone and displaying on the mobile phone, wherein the detected pattern data includes a name, a time and a frequency of the service (abstract, column 4 lines 4-12, column 5 lines 17-20, column 9 line 54 to column 10 line 20, column 16 line 39 to column 17 line 54, column 48 lines 54-55, column 51 lines 1-5, figs. 11A-12, 15-17). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to have Chiam, modified by Robarts to minimize time to search a desired service in order to empower users to take full advantage of a plurality of different services.

Regarding claim 8, this claim is rejected for the same reason as set forth in claim 1 as apparatus.

Regarding claim 14, a computer program is inherently in Chiam system to execute the displaying process.

Regarding claims 3, 9, 16, Chiam further discloses the tertiary position is within a tertiary tray that can be hidden (paragraph 22).

Regarding claims 4, 10-11, 17, Chiam further discloses a ticker tape display (figs. 1B-3C), wherein the ticker tape display that presents data in a scrolling manner (#163 figs. 2A-B, 3B-C)

Regarding claim 5, 18, Chiam further discloses displaying information icon labels for each icon (for example, fig.1B, the information label MESSAGING is ICON 205),

each information icon label presenting specific information regarding a state of a corresponding service as it applies to a particular user (fig.2A) (figs 1B-3C).

Regarding claims 6-7, 12-13, 19-20, Chiam further discloses the information labels change the state of the corresponding (for example: the main menu icon MESSAGING has a sub-menu SEND MESSAGE, READ MESSAGE..etc; the main menu icon CALL LOG has sub menus ROLAN,D STEVE, ANG LAU . etc.(figs. 1B-3C) and the service icons are animated based on the state of the corresponding service (fig.1B-3C).

### ***Response to Arguments***

3. Applicant's arguments with respect to claims 1, 8, and 14 have been considered but are moot in view of the new ground(s) of rejection.

The new cited art issued to Robarts disclosing the newly added limitations in independent claims 1, 8, 14 as indicated in the above rejection.

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Horvitz et al. (US 2005/0132006 A1) discloses a method for predicting appropriate content for presentation or retrieval by detecting pattern data of a user profile information in a wireless communication device and displaying on the device, wherein the detected pattern data includes a name, a time and a frequency of the service (paragraphs 3; 7, 28, 37, 48, 55, 70, figs. 1-14); Hoffberg et al.

Art Unit: 2618

(2007/0061735 A1) discloses a method for predicting appropriate content for presentation or retrieval by detecting pattern data of a user profile information in a wireless communication device and displaying on the device, wherein the detected pattern data includes a name, a time and a frequency of the service (abstract, paragraphs 360-362, 363-365, 393, 396, 407, 419, 432, 438, 478, 565, 651, 668, 709, 720, 794).

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Simon Nguyen whose telephone number is (571) 272-7894. The examiner can normally be reached on Monday-Friday from 7:00 AM to 4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward F. Urban, can be reached on (571) 272-7899.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 306-0377.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks  
600 Dulany, Alexandria, VA 22314

Or faxed to:

(571) 273-8300 (for formal communications intended for entry)

Art Unit: 2618

Hand-delivered response should be brought to Customer Service Window  
located at the Randolph Building, 401 Dulany, Alexandria, VA, 22314.

Simon Nguyen

September 27, 2007

SIMON NGUYEN  
PRIMARY EXAMINER  
